



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: To Be Assigned
Filing Date: To Be Assigned
Applicant: Mark V. Vanderwalle
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: METHOD AND APPARATUS FOR CEMENT
DELIVERING BUTTRESS PIN
Attorney Docket: 5490-000313

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. X Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ___ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. X A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ___ See the attached foreign patent office communication from a counterpart foreign application:
2. ___ English translations are provided:
3. X Other: An English translation of the Abstract is provided for JP 10211213A and JP 7-51292.

C. ___ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ___ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check only one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ____ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. §

1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

B. ☐ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ☐ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

☐ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ☐ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ☐ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: August 26, 2003

By: Richard W. Warner
Richard W. Warner
Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
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Bloomfield Hills, Michigan 48303
(248) 641-1600

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	5490-000313	To Be Assigned
	APPLICANT	
	Mark V. Vanderwalle	
	FILING DATE	GROUP
	To Be Assigned	To Be Assigned

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		US 2001/0021852 A1	09/13/2001	Chappius		
2.		Re. 33,796	01/14/1992	Niznick		
3.		126,366	04/30/1872	E. S. Wills		
4.		837,767	12/04/1906	W. I. Aims		
5.		2,242,003	05/13/1941	F. A. Lorenzo		
6.		2,526,959	10/24/1950	F. A. .Lorenzo		
7.		3,051,169	08/28/1962	Gustaf-Bertil L. Grath		
8.		3,240,379	03/15/1966	A. R. Bremer et al.		
9.		3,379,019	04/23/1968	C. I. Williams		
10.		3,897,713	08/05/1975	Gugle		
11.		3,907,442	09/23/1975	Reid		
12.		3,987,499	10/26/1976	Scharbach et al.		
13.		4,044,512	08/30/1977	Fischer et al.		
14.		4,065,817	01/03/1978	Branemark et al.		
15.		4,098,166	07/04/1978	Lang		
16.		4,431,416	02/14/1984	Niznick		
17.		4,488,875	12/18/1984	Niznick		
18.		4,494,535	01/22/1985	Haig		
19.		4,645,453	02/24/1987	Niznick		
20.		4,653,487	03/31/1987	Maale		
21.		4,653,489	03/31/1987	Tronzo		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 2 of 5	ATTORNEY DOCKET NO.	SERIAL No.
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Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,712,957	12/15/1987	Edwards et al.		
23.		4,758,161	07/19/1988	Niznick		
24.		4,760,844	08/02/1988	Kyle		
25.		4,772,261	09/20/1988	Von Hoff et al.		
26.		4,787,882	11/29/1988	Claren		
27.		4,790,297	12/13/1988	Luque		
28.		4,860,513	08/29/1989	Whitman		
29.		4,893,074	01/16/1990	Fischer et al.		
30.		4,960,381	10/02/1990	Niznick		
31.		4,993,900	02/19/1991	Hugel et al.		
32.		5,030,095	07/09/1991	Niznick		
33.		5,047,030	09/10/1991	Draenert		
34.		5,061,181	10/29/1991	Niznick		
35.		5,062,800	11/05/1991	Niznick		
36.		5,071,350	12/10/1991	Niznick		
37.		5,076,788	12/31/1991	Niznick		
38.		5,078,607	01/07/1992	Niznick		
39.		5,098,435	03/24/1992	Stednitz et al.		
40.		5,129,901	07/14/1992	Decoste		
41.		5,143,498	09/01/1992	Whitman		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 5	ATTORNEY DOCKET NO.	SERIAL No.
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U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,145,301	09/08/1992	Yamamoto		
43.		5,192,282	03/09/1993	Draenert		
44.		5,209,805	05/11/1993	Spraggins		
45.		5,214,987	06/01/1993	Fenton, Sr.		
46.		5,249,899	10/05/1993	Wilson		
47.		5,253,965	10/19/1993	Angel		
48.		5,281,140	01/25/1994	Niznick		
49.		5,334,024	08/02/1994	Niznick		
50.		5,338,197	08/16/1994	Kwan		
51.		5,427,527	06/27/1995	Niznick et al.		
52.		5,433,606	07/18/1995	Niznick et al.		
53.		5,483,781	01/16/1996	Ernst et al.		
54.		5,484,442	01/16/1996	Melker et al.		
55.		5,531,748	07/02/1996	de la Caffiniere		
56.		5,545,228	08/13/1996	Kambin		
57.		5,571,017	11/05/1996	Niznick		
58.		5,575,650	11/19/1996	Niznick et al.		
59.		5,580,392	12/03/1996	Sekel		
60.		5,593,407	01/14/1997	Reis		
61.		5,601,559	02/11/1997	Melker et al.		

Examiner:	Date Considered:
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FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**
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Sheet 4 of 5

ATTORNEY DOCKET NO.

5490-000313

SERIAL NO.

To Be Assigned

APPLICANT

Mark V. Vanderwalle

FILING DATE

To Be Assigned

GROUP

To Be Assigned

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
62.		5,622,500	04/22/1997	Niznick		
63.		5,628,752	05/13/1997	Asnis et al.		
64.		5,665,087	09/09/1997	Huebner		
65.		5,725,581	03/10/1998	Branemark		
66.		5,733,083	03/31/1998	Heminger		
67.		5,743,912	04/28/1998	Lahille et al.		
68.		5,788,702	08/04/1998	Draenert		
69.		5,800,407	09/01/1998	Eldor		
70.		5,871,484	02/16/1999	Spievack et al.		
71.		5,885,041	03/23/1999	Giannuzzi et al.		
72.		5,885,079	03/23/1999	Niznick		
73.		5,893,850	04/13/1999	Cachia		
74.		5,941,911	08/24/1999	Buechel		
75.		5,989,028	11/23/1999	Niznick		
76.		6,004,327	12/21/1999	Asnis et al.		
77.		6,048,204	04/11/2000	Klardie et al.		
78.		6,048,343	04/11/2000	Mathis et al.		
79.		6,210,376	04/03/2001	Grayson		
80.		6,214,012	04/10/2001	Karpman et al.		
81.		6,240,696	06/05/2001	Ludwig et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<p>FORM HDP-1449 (Based on Form PTO-1449)</p> <p>PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p> <p>Sheet 5 of 5</p>	ATTORNEY DOCKET NO.	SERIAL NO.
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U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
82.		6,244,867	06/12/2001	Aravena et al.		
83.		6,287,117	09/11/2001	Niznick		

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
1.		EP 0 490 417 A1	11/18/1991	Europe		
2.		JP 751,292	02/28/1995	Japan		
3.		JP 410211213A	08/11/1998	Japan		

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